

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.15072 OF 2007

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DATED: 16-07-2007

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Between:

The General Secretary, APSRTC Staff
Workers' Union, 5-11-164,
Yellammagutta, Nizamabad.

.. Petitioner

and

The Industrial Tribunal-I, Chandravihar
Buildings, M.J.Road, Hyderabad, rep. by
its Chairman and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.15072 OF 2007

ORDER:

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This writ petition is filed seeking a certiorari to call for the records relating to the award, dated 29.08.2006, passed in I.D.No.33 of 2004, on the file of the 1st respondent, and quash the same as arbitrary and illegal.

It appears, under the impugned award, the dispute referred to by the Government to the Industrial Tribunal in respect of the claim of the petitioner was dismissed stating that the petitioner and respondent (management) called absent and there was no representation. Except recording the averments made in the claim statement and counter and stating that the petitioner and respondent called absent, no other findings were recorded by the Industrial Tribunal. May be both the parties were absent and there was no representation, but that does not mean that the Tribunal could simply dismiss the claim petition, without going into the merits and without deciding it on the basis of the pleadings before it.

I am of the opinion that in an industrial dispute, whether the parties are present or not, on the basis of the record/pleadings before it, the Tribunal is supposed to decide the matter on merits. Such a course of action was not adopted by the Tribunal in the instant case. Therefore, the award passed by the Tribunal is liable to be set aside and the matter is to be reconsidered by the Tribunal.

Accordingly, the award, dated 29.08.2006, passed in I.D.No.33 of 2004, on the file of the 1st respondent is set aside and the matter is remanded to the 1st respondent-Industrial Tribunal-I, Hyderabad, for

fresh consideration and to decide the matter on merits, after putting both the parties on notice.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

16th July, 2007.

IBL

C.V. RAMULU, J